

As a Certified Legal Document Preparer and as a resident of the State of Arizona, I am greatly disturbed by the proposed Amendment to ACJA §7-208. This is far more than simply an Amendment, it is a major change in the LDP code. On September 14, 2017, the Court posted the Proposed Amendment. Of particular concern is "J. Code of Conduct 3. e and f." The posted amendment reads:

- e. Other than performing research to determine the legal document preparer is utilizing the appropriate form, the legal document preparer shall not perform legal research concerning particular statutes, case law or other sources of information concerning legal theory or authority on behalf of a specific client. The legal document preparer may perform such research to develop an understanding of general legal principles when the research is not done on behalf of a specific client.

- f. If a legal document preparer drafts a document that contains substantive legal statements or arguments, the legal document preparer must maintain adequate records to demonstrate that all research, analysis and legal statements and arguments were developed by the client and provided by the client to the legal document preparer for inclusion in documents prepared by the legal document preparer consistent with the requirements of subsection F(1).

My specific comments and concerns are:

1. I agree with Cherie Koch's Comments posted on September 30, 2017 and subsequently. I see no need to repeat her substantive comments.
2. On January 16, 2003, Chief Justice Charles E Jones signed an Order which stated, "The Court recognizes the need to protect the public from possible harm caused by nonlawyers providing legal services must be balanced against the public's need for access to legal services."

The Proposed Amendment Will Harm the Public. It Discriminates against Arizona Citizens and Limits Their Ability to Obtain Justice for Which They are Entitled:

Pro se litigants have grown in numbers tremendously over the past decade. This rise is caused by low or middle-income earner's inability to pay high legal fees, or some people simply prefer to represent themselves. I know several sole practitioners that charge \$150-\$250 per hour and specialist firms that charge \$400-600 per hour. The average person simply cannot afford to pay those rates. The *pro se* litigant is entitled to justice as much as the person who has an attorney. They are entitled to it under the Constitution.

Should they be left with trying to maneuver and *research* the complex legal system, statutes and rules alone? The average citizen does NOT have the ability to figure out how to go forward in court or write pleadings or other legal documents. In many situations, if not most, people will be intimidated, overwhelmed and often give up. Are only the rich and legally educated people entitled to justice? Are only the rich, educated and legally represented people entitled to seek help with research, statutes, mandated court Rules and process? Are they the only citizens entitled to understand their options and make informed decisions? Do all classes of individuals deserve to receive professional, substantive and affordable legal assistance? I dare say yes – all citizens deserve it and are entitled to it.

Former Arizona Supreme Court Justice Thomas Zlaket expresses, so eloquently, the need to help pro se litigants in a *Fall 2000 Court Review Interview (Pages 4-11)*. Two excerpts follow:

“The most pressing issue that comes to mind now for me is the status of pro se litigants and what we do with them. You know, we have for a very long time taken the attitude that people who come into a courtroom without a lawyer assumed the risks, so to speak. They take the chance of being there without a lawyer, without any knowledge of the law, without any knowledge of the rules of evidence or the rules of procedure, and we have treated them as though they’re going to be held to all of those rules, even though they have no formal training or background or experience in them. That, I think, is a mistake.”

“This justice system does not exist just for people with lawyers. How can we as judges ... justify that approach? I rather think the answer is that we need to find solutions for unrepresented litigants to make it easier, not harder (emphasis mine). Otherwise, we’re going to turn away a lot of people who need justice and who can’t get through the door... I think we are chasing away from the very forum in which they’re entitled to get some adjudication of their rights and obligations.”

If the Amendment stands, the Certified Legal Document Preparer Program will be negated. CLDPs will be doing nothing more than filling out forms. We will not be able to research and present options, court requirements, statutes or court rules and mandated processes. The pro se litigant is left naked and alone. The Court will be doing a grave disservice to an immeasurable number of Arizona citizens. CLDPs have an ethical and professional duty to help the client as much as possible short of representing them or giving specific legal advice or recommendations. We are held to a high standard to prepare ANY LEGAL DOCUMENT for which we are competent to prepare.

In closing, I ask the question: Where is the evidence that Certified Legal Document Preparers have caused harm to the public by providing legal services such as research, assistance to specific client situations with rules and process, and/or preparing substantive and professional legal document? Have consumers been hurt by this process. Is harm the norm? Of course not!

SHEILA WEBSTER, AZCLDP #81172